

REMARKS

The applicants appreciate the Examiner's thorough examination of the application and requests reexamination and reconsideration of the application in view of the preceding amendments and the following remarks.

The applicants appreciate and acknowledge the Examiner's indication that claims 6, 8 and 19-20 would be allowable if rewritten in independent form. However, in light of the preceding amendments and the following remarks, the applicants believe that all of the claims of the subject application are allowable. The applicant's claimed building construction relates to a truly novel way of constructing a building with many floors. The art cited against the applicant relates to an elevator suspended from a beam.

The Examiner rejects claims 1-3, 5, 9-10, 12, 14-16 and 18 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,634,528 to *Watts et al.* and claims 7 and 17 under 35 USC § 103(a) as being unpatentable over *Watts*. Applicants have amended independent claims 1 and 14 as well as dependent claims 5-11, 15, and 17-20.

Independent claim 1 of the subject application as amended is directed to a building construction using tensional support members comprising a support structure for bearing a compressive load; a support member borne by said structure, at least one enclosure cell, and at least one tension member mounted to said support member statically suspending the enclosure cell from the support member.

Watts is directed to a mobile work station for maintaining an envelope about a portion of a bridge, motive means for positioning the envelope from time to time and a scaffolding apparatus for supporting workers and equipment within the envelope.

Watts fails to teach or disclose an enclosure cell statically supported by a support member itself supported by a support structure as claimed by the applicant as a building construction. In *Watts*, “[t]he cages 80 are supported to move vertically on cables 83 which in turn are connected to move horizontally across beams 84”. Col. 4, line 29-31 (emphasis added). Additionally, *Watts* discloses “horizontal movement with a track and wheel means erected over a beam 84”. Col. 4, lines 37-38 of *Watts* (emphasis added). Thus, *Watts* discloses not a building construction but an elevator used in the process of constructing a building.

For at least this reason, independent claims 1 and 14 and dependent claims 2, 3, 5, 9-10, 12 and 15-18 are patentable over *Watts*. New claim 21 is also clearly patentable.

The Examiner also rejects claims 11 and 13 under 35 USC § 103(a) as being unpatentable over *Watts* in view of U.S. Patent No. 6,170,105 to *Doyle et al.* Since independent claim 1 is patentable over *Watts* for at least the reasons set forth above, dependent claims 11 and 13 are also patentable over *Watts* for at least those reasons. Accordingly, claims 11 and 13 are patentable over *Watts* in view of *Doyle*.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the

undersigned or his associates, collect in Waltham, Massachusetts, (781) 890-5678.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kirk Teska', written over a horizontal line.

Kirk Teska
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